



STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION

ADMINISTRATIVE MEETING OF THE
MICHIGAN LIQUOR CONTROL COMMISSION

Held: Wednesday, November 3, 2010
Lansing – 1:00 p.m.

Present: Nida R. Samona, Chairperson
Pat Gagliardi, Commissioner
Donald B. Weatherspoon, Commissioner
Sharon Martin, Director of Licensing
Tom Hagan, Director of Enforcement
Scott Maul, Deputy Director of Licensing
Julie Wendt, Director of Executive Services
Tim Kovacik, Dep. Director, Executive Services
Andrea Miller, Communications Representative
Mike Tobias, Michigan Alcohol Policy
Donald McGehee, Attorney General's Office
Darnelle Dickerson, Attorney General's Office

The meeting was called to order by Chairperson Samona.

Discussion took place on the Alcohol Energy Drink products currently marketed and sold in the State of Michigan.

Chairperson Samona stated that pursuant to the Michigan Constitution and MCL 436.1201(2), the Michigan Liquor Control Commission has the sole right, power, and duty to control the alcoholic beverage traffic in the State of Michigan and also to consider labeling of these products to determine if the products are found to be detrimental to the health, safety, or welfare of the general public as outlined in Commission Rule R 436.1611(1)(d). Further, that the administrative process allows the Commission to repair errors that may have occurred in the application of its rules.

Chairperson Samona stated that the Commission has reason to believe that the introduction of Alcohol Energy Drinks into Michigan's marketplace is detrimental to the citizens of the State of Michigan; that twenty-nine (29) Attorneys General from across the nation are of the opinion that Alcohol Energy Drinks are a health and safety risk to youth; and that according to the number of articles on this topic which highlight the dangers of Alcohol Energy Drinks, it is imperative that the Commission be pro-active in its approach, especially in light of the recent article relating to a 14 year old Melvindale High School student who was sexually assaulted after consuming the Alcohol Energy Drink "Four Loco".

Based upon a substantial evidence packet accumulated by the Commission, Chairperson Samona stated that Alcohol Energy Drinks are those products that are flavored malt beverages infused with significant amounts of Caffeine, Taurine, Guarana, and other natural stimulants, which are referred to in many written articles and publications as "Cocaine in a Can", "Blackout", etc. The Commission has been notified of public concerns about these products by substance abuse prevention groups and community groups as well as the FDA's decision to further investigate these products.

Commissioner Gagliardi stated that there are five (5) cups of coffee and 12 shots of liquor available for \$3.00 in one 24 ounce can of an Alcohol Energy Drink and that one (1) can of this product can cause intoxication quickly. Further, there is anecdotal evidence that has been presented that this is an overwhelming problem; the State of Utah has banned Alcohol Energy Drinks and many universities are doing so as well.

Commissioner Gagliardi stated that the Commission is empowered with sole control of alcoholic beverage traffic in the State of Michigan and that the removal of Alcohol Energy Drinks from the marketplace is the proper action to be taken.

After discussion, the following MOTION was read:

RECONSIDER the prior approvals for all Alcohol Energy Drinks in the State of Michigan.

SPECIFICALLY, the Commission will ban all Alcohol Energy Drinks from the Michigan marketplace.


UPON reevaluation of these factors, the Manufacturers of Alcohol Energy Drinks will be notified through issuance of an Order of the Commission of this product ban and will be provided with 30 days from the date of the Commission order to remove these products from the State of Michigan.

IT WAS MOVED BY CHAIRWOMAN SAMONA AND SUPPORTED BY COMMISSIONER GAGLIARDI that due to the aforementioned concerns and dangers associated with Alcohol Energy Drinks, that the above MOTION be CARRIED. Commissioner Weatherspoon did not support the Motion.

Chairperson Samona further indicated that this motion and approval of it moots the Motion pertaining to the labeling of Alcohol Energy Drinks addressed on September 8, 2010.

The meeting recessed at 1:30 p.m.


Nida Samona, Chairperson


Sharon Martin
Director of Licensing